

**ASSEMBLY BILL**

**No. 806**

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**Introduced by Assembly Member Wilk**

February 21, 2013

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An act to amend Section 84362 of, and to add Section 84363 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as introduced, Wilk. Community colleges: salaries of classroom instructors.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes these districts to provide instruction at community college campuses. Existing law requires that 50% of each district's current expense of education, as defined, be expended for payment of salaries of classroom instructors, as defined. Existing law requires the governing board of each district to provide for an internal audit in accordance with regulations of the board of governors.

This bill would define "salaries of classroom instructors" to include the salaries of counselors, as defines. This bill would require that, commencing with the 2014–15 fiscal year, 52% of each district's current expense of education be expended for payment of salaries of classroom instructors. The bill would also authorize the board of governors to establish a committee to review the auditing procedures in order to ensure compliance with the requirement that 52% of each district's

current expense of education be paid for the salaries of classroom instructors.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 84362 of the Education Code is amended  
 2 to read:

3 84362. (a) As used in this section, “salaries of classroom  
 4 instructors” means:

5 (1) The salary paid to each instructor *or counselor* employed  
 6 by the district whose duties require that the full time for which the  
 7 instructor *or counselor* is employed be devoted to the instruction  
 8 of students of the district *or to the provision of counseling services*  
 9 *for the students of the district.*

10 (2) The portion of the salary of each instructor *or counselor*  
 11 whose duties require that a part, but not all, of the full time for  
 12 which the instructor *or counselor* is employed be devoted to the  
 13 instruction of students of the district *or to the provision of*  
 14 *counseling services for the students of the district*, which is equal  
 15 to the portion of the full time actually devoted by the instructor *or*  
 16 *counselor* to teaching *or to the provision of counseling services to*  
 17 *the students of the district.*

18 (3) The salary paid to each instructional aide employed by the  
 19 district, any portion of whose duties are required to be performed  
 20 under the supervision of an instructor. However, the cost of all  
 21 health and welfare benefits provided to the instructors by the  
 22 community college district shall be included within the meaning  
 23 of “salaries of classroom instructors.”

24 ~~(b) (1) As used in this section, an “instructor” means an~~  
 25 ~~employee of the district employed in a position requiring minimum~~  
 26 ~~qualifications and whose duties require him or her to teach students~~  
 27 ~~of the district for at least one full instructional period each~~  
 28 ~~school day for which the employee is employed. An instructional~~  
 29 ~~period is the number of minutes equal to the number of minutes~~  
 30 ~~of the regular academic period in the community college in which~~  
 31 ~~the instructor is employed.~~

32 ~~(2) As used in this section, “administrator” means any employee~~  
 33 ~~in a position having significant responsibilities for formulating~~

1 ~~district policies or administering district programs; and~~  
2 ~~“supervisor” means any employee having authority, on behalf of~~  
3 ~~the district, to hire, transfer, suspend, lay off, recall, promote,~~  
4 ~~discharge, assign, reward, discipline other employees, adjust their~~  
5 ~~grievances, or effectively recommend that action, if the exercise~~  
6 ~~of the authority is not of a merely routine or clerical nature.~~

7 *(b) As used in this section, the following terms have the following*  
8 *meanings:*

9 *(1) “Administrator” means any employee in a position having*  
10 *significant responsibilities for formulating district policies or*  
11 *administering district programs; and “supervisor” means any*  
12 *employee having authority, on behalf of the district, to hire,*  
13 *transfer, suspend, lay off, recall, promote, discharge, assign,*  
14 *reward, discipline other employees, adjust their grievances, or*  
15 *effectively recommend that action, if the exercise of the authority*  
16 *is not of a merely routine or clerical nature.*

17 *(2) “Counselor” means an employee of the district employed*  
18 *in a position requiring the minimum qualifications of a counselor.*

19 *(3) “Instructor” means an employee of the district employed in*  
20 *a position requiring minimum qualifications and whose duties*  
21 *require him or her to teach students of the district for at least one*  
22 *full instructional period each schoolday for which the employee*  
23 *is employed. An instructional period is the number of minutes*  
24 *equal to the number of minutes of the regular academic period in*  
25 *the community college in which the instructor is employed.*

26 ~~(c) “Current~~ *As used in this section, “current expense of*  
27 *education” means the gross total expended (not reduced by*  
28 *estimated income or estimated federal and state apportionments)*  
29 *for the purposes classified in the final budget of a district (except*  
30 *one which, during the preceding fiscal year, had less than 101 units*  
31 *of full-time equivalent ~~student~~ students) for academic salaries*  
32 *other than academic salaries for student transportation, food*  
33 *services, and community services; classified salaries other than*  
34 *classified salaries for student transportation, food services, and*  
35 *community services; employee benefits other than employee*  
36 *benefits for student transportation personnel, food services*  
37 *personnel, and community services personnel; books, supplies,*  
38 *and equipment replacement other than for student transportation*  
39 *and food services; and community services, contracted services,*  
40 *and other operating expenses other than for student transportation,*

1 food services, and community services. “Current expense of  
 2 education,” for purposes of this section, shall not include those  
 3 expenditures classified as sites, buildings, books, and media and  
 4 new equipment—~~(object of expenditure 6000 of the~~  
 5 *(object-of-expenditure classification 6000 of the Budget and*  
 6 *Accounting Manual for California Community Colleges)*, the  
 7 amount expended from categorical aid received from the federal  
 8 or state government which funds were granted for expenditures in  
 9 a program not incurring any instructor salary expenditures or  
 10 requiring disbursement of the funds without regard to the  
 11 requirements of this section, or expenditures for facility acquisition  
 12 and construction; and shall not include the amount expended  
 13 pursuant to any lease agreement for plant and equipment or the  
 14 amount expended from funds received from the federal government  
 15 pursuant to the “Economic Opportunity Act of 1964” or any  
 16 extension of that act of Congress or the amount expended by a  
 17 community college from state or federal funds received by the  
 18 community college for grants to community college students or  
 19 for the employment of community college students.

20 (d) ~~There Commencing with the 2014–15 fiscal year, there shall~~  
 21 be expended during each fiscal year for payment of salaries of  
 22 classroom instructors by a community college district, ~~50~~ 52  
 23 percent of the district’s current expense of education. *For the*  
 24 *purposes of implementing this subdivision, all expenditures*  
 25 *included in object-of-expenditure classification 1000, pursuant to*  
 26 *the Budget and Accounting Manual for California Community*  
 27 *Colleges, shall be included in the numerator, except as follows:*

28 (1) *Salaries of educational administrators as defined in Section*  
 29 *87002.*

30 (2) *Prorated salaries of administrators for teaching instruction*  
 31 *as part of their regular workload.*

32 (3) *Salaries of instructors on sabbatical leave.*

33 (e) If the board of governors determines that a district has not  
 34 expended the applicable percentage of current expense of education  
 35 for the payment of salaries of classroom instructors during the  
 36 preceding fiscal year, the board shall, in apportionments made to  
 37 the district from the State School Fund after April 15 of the current  
 38 fiscal year, designate an amount of the apportionment or  
 39 apportionments equal to the apparent deficiency in district  
 40 expenditures. Any amount so designated by the board of governors

1 shall be deposited in the county treasury to the credit of the  
2 community college district, but shall be unavailable for expenditure  
3 by the district pending the determination to be made by the board  
4 of governors on any application for exemption which may be  
5 submitted to the board of governors. In the event it appears to the  
6 governing board of a community college district that the application  
7 of the preceding subdivisions during a fiscal year results in serious  
8 hardship to the district, or in the payment of salaries of classroom  
9 instructors in excess of the salaries of classroom instructors paid  
10 by other districts of comparable type and functioning under  
11 comparable conditions, the governing board may apply to the board  
12 of governors, in writing, not later than September ~~15th~~ 15 of the  
13 immediately succeeding fiscal year for exemption from the  
14 requirements of this section.

15 (f) Immediately upon applying for the exemption described in  
16 subdivision (e), the governing board shall provide the exclusive  
17 representative of the district's academic employees or, if none  
18 exists, the district or college academic senate, and all academic  
19 employee organizations eligible for payroll dues deduction, with  
20 a copy of the application. The exclusive representative, or the  
21 district or college academic senate, and all academic employee  
22 organizations eligible for payroll dues deduction, within 30 days  
23 of its receipt of the application, may transmit to the board of  
24 governors a written statement opposing the application, setting  
25 forth reasons for its opposition.

26 (g) Upon receipt of the application described in subdivision (f),  
27 duly approved, and of the statement of opposition, if any, the board  
28 of governors shall grant the district exemption for any amount that  
29 is less than one thousand dollars (\$1,000). If the amount is one  
30 thousand dollars (\$1,000) or more, the board of governors may  
31 grant the district exemption from the requirement for the fiscal  
32 year for which the application is made if a majority of all the  
33 members of the board of governors finds, in writing, that the district  
34 will in fact suffer serious hardship or will have to pay salaries of  
35 classroom instructors in excess of those paid by other districts of  
36 comparable type and functioning under comparable conditions  
37 unless the district is granted an exemption. If the exemption is  
38 granted, the designated moneys shall be immediately available for  
39 expenditure by the community college district governing board.  
40 If no application for exemption is made or exemption is denied,

1 the board of governors shall order the designated amount or amount  
2 not exempted to be added to the amounts to be expended for  
3 salaries of classroom instructors during the next fiscal year.

4 (h) The board of governors shall enforce the requirements  
5 prescribed by this section, and may adopt necessary rules and  
6 regulations to that end. It may require the submission during the  
7 college year, by community college district governing boards and  
8 county superintendents of schools, of the reports and information  
9 as may be necessary to carry out this section.

10 (i) The board of governors, no later than the 10th calendar day  
11 of each year of the Legislature, shall submit to the Legislature a  
12 written report on the operation, effect, and the extent of compliance  
13 with this section by community college districts in the state during  
14 the two most recently ended fiscal years. The report shall describe  
15 the activities of the board of governors and the chancellor's office,  
16 undertaken to ensure compliance with this section, and may contain  
17 recommendations for legislation pertaining to that subject.

18 SEC. 2. Section 84363 is added to the Education Code, to read:

19 84363. (a) The board of governors may establish a committee  
20 to review the auditing procedures adopted pursuant to Article 2  
21 (commencing with Section 84030) to develop ways to ensure  
22 compliance with the requirement of subdivision (d) of Section  
23 84362 that, commencing with the 2014–15 fiscal year, 52 percent  
24 of each district's current expense of education be paid for the  
25 salaries of classroom instructors. The membership of the committee  
26 shall be as follows:

27 (1) The Chancellor of the California Community Colleges.

28 (2) One certified public accountant, to be selected by the board,  
29 who is licensed by the California Board of Accountants and has  
30 prepared an annual audit pursuant to subdivision (b) of Section  
31 84040.

32 (3) One exclusive representative of classified employees of a  
33 district, to be selected by the board.

34 (4) One district administrator, to be selected by the board.

35 (b) The committee shall review local district auditing procedures  
36 and recommend to the board any changes to the procedures  
37 published in the California Community Colleges Budget and  
38 Accounting Manual that may be necessary to achieve the current

- 1 expense of education requirements contained in subdivision (d)
- 2 of Section 84362.

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